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Summary of Administrative Review Board Proceedings for ISN 890

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

Presiding Officer: Good morning, sir.

Detainee (through translator): Good morning to you.

Presiding Officer: Do you pronounce your name Rahmatullah Sangaryar?

Detainee (through translator): Yes, sir.

Presiding Officer: Can I address you as Mr. Sangaryar today?

Detainee (through translator): Rahmatullah Sangaryar is good.

Presiding Officer: Thank you. Welcome.

Detainee (through translator): God save you.

Presiding Officer: Thank you very much. I appreciate that.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO), and Board members were sworn.

The Presiding Officer asked the Detainee if he wishes to make his statement under oath (Muslim oath offered).

The Detainee took the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

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The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's initial ARB interview was conducted on 04 December 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he did wish to attend and wants to respond to each statement of information in the Unclassified Summary of Evidence. The Detainee accepted a copy of the Pashtu translated Unclassified Summary of Evidence. Additionally the Detainee requested a copy of a letter he received from Afghanistan in order to present to ARB. The Detainee's follow-up interview was conducted on 05 December 2006. The information the Detainee requested was found and will be presented at the ARB. The Detainee was cooperative and attentive throughout both interviews.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4 to the Administrative Review Board.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wished to respond to Unclassified Summary of Evidence.

Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary. We will then provide you a chance to respond. Board members may ask you questions based on your response. Designated Military Officer, please summarize the Unclassified Summary of Evidence.

Designated Military Officer: (3.a.1) The Detainee stated he was the Supreme Commander in Kabul, Afghanistan when he fought the Russians. After he finished fighting the Russians, he also fought against the Taliban and the Northern Alliance. The Detainee stated he was Kabul's defender during the civil war in Afghanistan and that he was not allied with any particular group. The Detainee stated he simply defended Kabul's interests against any group that attacked it and he had shifting alliances with the Northern Alliance and the Taliban.

Detainee (through translator): Sir, in the time of Mujahedin, I was not fighting directly with the Russians. Yes, I was serving. I was a little boy and I was serving tea to the Mujahedin. There was a garden and I was working there to provide for my father and mother. It was in Kandahar.

Presiding Officer: So you are saying you were not the Supreme Commander in Kabul when you fought the Russians?

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Detainee (through translator): During that time, I was a little boy. I was very little and cannot be a commander.

Presiding Officer: After the Soviet Union left Afghanistan, were you involved in the civil war?

Detainee (through translator): No, sir. I did not take part in the civil war but, later on, when the Taliban rose and took over, I was helping the Taliban on security of highways.

Member: How old are you, sir?

Detainee (through translator): Almost around 37, 38, or 39 years old.

Member: Thank you.

Designated Military Officer: (3.a.2) As of November 1999, the Detainee was on the senior staff in the Taliban's Ministry of Defense as the Commander of the Tagab, Kabul Province front-line division in Afghanistan.

Detainee (through translator): I have not been in charge of Tagab and Nejrab. I have not even been there. I have not gone to Tagab and Nejrab. I do not know.

Presiding Officer: Were you part of the senior staff in the Taliban Ministry of Defense?

Detainee (through translator): I do not know. I have a regiment, which is the regiment of 40 people. I do not know whether you call it big or small, but I had only 40 people. I had 40 people, who were my friends, but I was in charge of that regiment.

Presiding Officer: And who did you work for?

Detainee (through translator): I was working for the Taliban, disarming people on highways, collecting weapons.

Designated Military Officer: (3.a.3) The Detainee was the Taliban's National Guard Commander and was one of the Taliban commanders, who deployed to the frontlines in June 2000 to supplement existing Taliban forces, readying to participate in a summer offensive against the United Front in Afghanistan.

Detainee (through translator): I was not officially their commander, but unofficially, I was in the National Guard. I do not have special education or any experience so I do not have too much abilities to do things. My writing and reading is rusty, too.

Presiding Officer: In June 2000, did you work with al Qaida at all?

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Detainee (through translator): I never worked with al Qaida. They did not trust me and I was deemed not qualified to work with al Qaida.

Presiding Officer: What is your feeling concerning al Qaida?

Detainee (through translator): I did not know al Qaida so they did not trust me. I only worked to disarm people. That was all I was doing.

Member: What did you think of the Taliban system of government?

Detainee (through translator): There were two kinds of Taliban: one was the extremists and one was those previous Mujahedins, whose purpose and aim was to bring stability and security back to the country, collecting arms from people from all over to bring peace. The other one, the extremists, I was against them because we once had a leader, who died, and they dug the grave and moved the body to another place. That was why we had conflicts with the extremists. The men and women of Afghanistan were aware that the Taliban pulled out our leader's grave, and moved it, and threw it in a barn. That is why we do not like them.

Member: Why did the Taliban do this?

Detainee (through translator): With this Taliban, if you do not have a beard, they will punish you; if you listen to music, they will break it. We did not know about them. When we found out deeply who they were, people had grudges against them and became angry at them.

Designated Military Officer: (3.a.4) The Detainee became the director of Hezb-e-Islami Gulbuddin cell operations in Kandahar, Afghanistan in November 2002.

Detainee (through translator): I never joined Gulbuddin because, in Sarobi, I fought him twice. So I do not have any friendship with him. There is no possibility that I would join Gulbuddin.

Member: Sarobi was the leader of this organization?

Detainee (through translator): Sarobi is a place.

Member: It is a place.

Detainee (through translator): It is a very big center for Gulbuddin's soldiers. It is a big compound.

Member: And you fought them twice?

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Detainee (through translator): I fought him at two places. I fought him once in Sarobi and once in Zarghun Shahr.

Presiding Officer: And this was in November of 2002 that you were fighting against Gulbuddin.

Detainee (through translator): I am not educated. I do not know. It was before Kabul was captured.

Presiding Officer: Were you misidentified? Why do we have this allegation that you were a member of this organization?

Detainee (through translator): I do not know this. I never joined Gulbuddin. You can find out that I never joined with him and I never will.

Designated Military Officer: (3.a.5) Hezb-e-Islami Gulbuddin is described as a foreign terrorist organization that was one of the major Mujahedin groups in the war against the Soviets, has long-established ties with bin Laden, and has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee (through translator): I do not know about this, but I mentioned earlier that I had always been against them.

Designated Military Officer: (3.a.6) The Detainee was the Taliban Commander of the Tagab and Nejrab Divisions with an estimated 1,500 soldiers, including six Arab posts along the line through the Tagab and Nejrab District in Afghanistan.

Detainee (through translator): I never worked in Tagab and Nejrab. I only worked for the National Guard from the beginning. I just worked in the National Guard. I have not worked in another place. I have no connection or any relation with Arabs and they do not have any connection or relation with me.

Presiding Officer: So this allegation is false?

Detainee (through translator): Yes, sir. I am not aware of this.

Designated Military Officer: (3.a.7) A source stated the Detainee was once a Taliban leader but became a soldier in the 40-Man unit. The source stated the Detainee primarily operated against United States personnel, in the Urozgan Province, Lashkar Gah, and Helmand in Afghanistan. The source stated the intent was to bomb or strike soft targets, primarily using AK-47s.

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Detainee (through translator): I had a certificate confirming that Mahacha Masud was alive. I became injured; I stayed home. The last time I went through Ghazni, I went through Urozgan Province. I was staying home. I had not done anything. I was never against the Americans and the new government. I cooperated with them and I will cooperate with them.

Presiding Officer: Were you involved in this 40-man unit that was involved in anti-United States and coalition activities?

Detainee (through translator): There is a certificate or confirmation, which came to me from my province, which showed that I had not done anything against Americans and the coalition. I had not done anything.

Presiding Officer: Earlier, you mentioned you were in charge of approximately 40 personnel. Is this when you were involved in protecting the roads and removing weapons?

Detainee (through translator): Yes, I was. I had 40 people and I was in charge of taking security of highways and collecting weapons.

Presiding Officer: Thank you.

Detainee (through translator): That was during the time of Taliban power. When the new government and the Americans came, I cooperated the whole time with the Americans and have not done anything against them.

Presiding Officer: After the fall of the Taliban, were you ever involved in any kind of military activities?

Detainee (through translator): Yes. You can see the confirmation written on that document that I went home. I was building my house. Even the Farsi and Pashtu speakers witnessed that I stayed at home and never been out of my home for even a day.

Presiding Officer: So, after the fall of the Taliban, you no longer had an association with the Taliban?

Detainee (through translator): No, sir. One hundred percent, I had no connection with them.

Member: Did you surrender after the fall of the Taliban?

Detainee (through translator): Yes. You will see it in that document. I gave everything I had to the government and I started having a very good relationship with the government.

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Member: Describe "everything". What do you mean by "everything"?

Detainee (through translator): Kalashnikov, radios, vehicles, these kinds of things.

Member: So you turned in all of your military equipment?

Detainee (through translator): Yes, sir. I turned in the whole thing. I got the receipt, which had signatures of the Pashtu and Farsi speakers of the Counsel Commission.

Member: Thank you.

Detainee (through translator): I was building my house. The whole village was watching me. After the fall of the Taliban, there was an animosity between the people of my village. Then I went to Gulagha Sherzei in Kandahar. The sub-governor, Abdul Qudoose, went with me and we talked to Gulagha Sherzei about equipment to give him. He said, "No. Wait until the Americans come, and a government is established there, then you can turn those weapons or equipment in to them." So I told Gulagha Sherzei and Abdul Qudoose, "What am I supposed to do with these equipment and weapons?" They said, "If you are listening to me, do not worry about the Americans to come here first. Just go to the governor and turn the whole thing in and go home." I said, "I want to give them to the Americans." And then I went back home to my village. The Americans came and I turned the whole thing over to the Americans. They said, "Go home," so I stayed at home. And then Gulagha Sherzei said, "Go home. And, if anybody does any activity or action against the new government or Americans, let us know. Give us a report." Obaidullah, who was a minister during the time of the Taliban, sent me a letter from Quetta, with three people, to come and work with them. I went and gave them this report. They told me to, "Capture those three people and we will be there." I showed them these three people that brought the letter; and now, I am sitting here. I have no connection and no relations with anybody. I do not have any animosity or grudge against anybody. I had always wanted the construction of my country and peace. I do not have anything else.

Presiding Officer: Who sent you the letter?

Detainee (through translator): His name was Obaidullah, the Taliban's previous minister. He sent the letter from Quetta, Pakistan.

Presiding Officer: Did he consider you an ally, someone that he can get support from?

Detainee (through translator): I do not know about that, but I am sure that he sent that letter to me because I was building my house. He sent me that letter to give me a bad name amongst the people to get me captured by the government. I had a very good relationship with the new government and they had a very good relationship with me. I

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was just staying at home. You can see it in that certificate or petition. It will explain that to you.

Member: How did the Taliban minister know of you?

Detainee (through translator): I was working for the Taliban when I was in Kabul. He would send me things like vehicles and would give me orders to fix vehicles with mechanics. I do not have anything else for this question.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.8) The Detainee was a Taliban commander of over 500 Taliban soldiers in Kabul, Afghanistan.

Detainee (through translator): I do not know about 500. I was not officially a commander. I was probably a commander of a group of people. It was a group of people. It was definitely about 40 people.

Presiding Officer: This was during the civil war; is that correct?

Detainee (through translator): This was in the time of the Taliban power.

Presiding Officer: Thank you.

Designated Military Officer: (3.b) The Detainee stated he joined the Mujahedin to fight the Soviet Union when he was very young and was trained in the use of hand grenades, rocket propelled grenades, AK-47, and machine guns.

Detainee (through translator): Sir, I do not know about grenades, but I know how to use the Kalashnikov, rockets, and heavy machine guns. I have not done any training, but I know how to use them.

Designated Military Officer: (3.c) The Detainee stated he met the Supreme Leader of the Taliban in Kandahar, Afghanistan, in approximately 1997, when the Taliban began organizing.

Detainee (through translator): The first time, when they were organizing in Kandahar, I went there. It was in a big field. I went there and asked for a vehicle. I did not talk to them; I just wrote it.

Member: Why were you chosen to attend this meeting?

Detainee (through translator): I just wanted to have a vehicle to work on security and disarming people.

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Designated Military Officer: (3.d.1) The Detainee was one of the Taliban military commanders involved with the Taliban deputy leader in the coup planning against the Taliban leader.

Detainee (through translator): I do not understand this question, but all I know is that, when the extremists dug out our leader's grave and moved the body from that area, we started having hostility against them. That is all I know.

Presiding Officer: You are not aware of any coup attempts against the Taliban leader?

Detainee (through translator): I strongly started having hostility with them, but it did not come up to coup because the Americans came and the Taliban government fell. So it did not reach that point to do it.

Designated Military Officer: (3.d.2) The Detainee was planning biological and poison attacks on United States and Coalition forces in Kandahar, Afghanistan. The Detainee was in possession of anthrax powder and an unspecified liquid poison that he planned to distribute to al Qaida and Taliban operatives in preparation for future attacks on United States and Coalition forces. The poison attacks were to target water sources, to include reservoirs.

Detainee (through translator): If I was blamed after the Americans came, I would not just go home. If I had done it, you can punish me. That petition will show you what I had done. I had not done it.

Member: So you were not in possession of any anthrax?

Detainee (through translator): The whole thing that I had, they have it. I only had the flashlight. I was wearing very dirty and muddy clothing; that was how they captured me and brought me here.

Member: You never heard of any plans for poison attacks?

Detainee (through translator): No, sir. I never did it. I never will do it.

Presiding Officer: Do you know of anyone who would accuse you of such an act? This is so serious. I am trying to understand why it is here in front of me, this allegation against you.

Detainee (through translator): I do not know about this, but that petition will explain to you. I am not aware of it. There is a school besides my house. You can ask the school teachers if that kind of act matches with me or if I would do these things; they will tell you. There is a school about 50 meters away from us. You can ask them what kind of

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person I was and what kind of relationship I had with the people. You can ask them if, at any time, I talked against the Americans or the new government. I am not aware of these allegations. I have not talked against Americans or the new government.

Presiding Officer: This allegation accuses you of planning mass murder.

Detainee (through translator): Sir, what am I supposed to tell you? I have not done this and I will not. If you find these things in my pocket or in my home, I will be guilty.

Presiding Officer: I am just having a lot of trouble with this allegation because it is so serious.

Detainee (through translator): If you can get information that those things were in my pocket or any place in my home, you can punish me any way you want.

Presiding Officer: Thank you.

Detainee (through translator): In Afghanistan, there is an animosity between tribes. Maybe somebody just accused me of this. I have not done it.

Presiding Officer: Okay. Thank you, sir.

Designated Military Officer: (3.d.3) The Detainee stated a letter inviting and requesting him to travel to Quetta, Pakistan, was delivered to him to create a bad name for him in his province so he would get arrested.

Detainee (through translator): Yes, to give me a bad name. Obaidullah sent me that letter with three people. I turned in these three people, plus the letter.

Member: Who knew of this letter besides you, the sender, and the three people?

Detainee (through translator): Nobody else knew about it. I was building my house. They came and stayed overnight at my home. The next morning, they had that letter. I sent a guy to the sub-governor. Their car was broken; the crankcase was broken. I asked Shamsullah to just go to the government and give them the information about these three people and the letter. I sent Shamsullah to the sub-governor and the sub-governor was not there. His son was there. The next day, when the sub-governor came back, his son told him that, "Shamsullah came and gave us a letter and information and asked you to capture these three people." You can ask me to testify that they brought this letter from Quetta. I do not know about the rest of them.

Member: Sir, in the letter, you were asked to go to Quetta to do what?

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Detainee (through translator): There was nothing else, except a first greeting. With our people, they do a lot of long greetings. And, after the greeting, it said, "Rahmatullah, please come to Quetta only one time." There was nothing else.

Presiding Officer: They had to give a reason. I mean, why would you go to Quetta, Pakistan unless you knew the purpose of the meeting?

Detainee (through translator): We had that kind of hostility in the time of the Taliban. If he was really trusting of me, he would give me a number, or direction, or something. He did not write anything. There was no numbers in it, no address to go to, nothing was written in it. He was not trusting of me. He knew that I turned over all the weapons to the government and that I was trying to build a house for myself; he knew that. He just wrote down, "Come over here."

Presiding Officer: Did you discuss the reason for going to Quetta with the messengers?

Detainee (through translator): During the fasting month, they came in the evening and ate with me. They were so tired so they rested until the next morning. They saw the situation that I was building a house, I had a good relationship with the government, and all these things, and they said that they got this letter for me from him. I secretly told Shamsullah to go and inform the sub-governor. I did not talk to them that much, but they are now prisoners in that area. The governor will ask them questions and get information from them.

Presiding Officer: Thank you.

Member: Sir, you described yourself as a soldier and a leader of very few men. Why would a Taliban minister send you a letter to give you a bad name?

Detainee (through translator): I do not know about this other than just to give me a bad name there.

Designated Military Officer: (4.a.1) The Detainee stated, when he received a letter, he believed it was a request to come to Pakistan and fight the new government of Afghanistan. The Detainee stated he had no intention of doing so.

Detainee (through translator): Yes, sir. I did not want to go to Pakistan.

Designated Military Officer: (4.b) When the Detainee was captured, he turned over a signed receipt, by the district counsel members and the commission, listing the weapons he had turned in to the Governor of the Oruzgan Province in Afghanistan. The following weapons had been turned in: six small cars, one truck, two mounted anti-aircraft weapons, 39 Kalashnikovs, two RPG-7s, four PK', two 82-series machine guns, and six radios.

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Detainee (through translator): Yes, sir.

Designated Military Officer: (4.c) The Detainee stated he was told by a governor that he needed to provide information about enemies of the Afghanistan government and that he was then turned over to the United States. The Detainee stated he knows he must cooperate and he is not upset at the United States government.

Detainee (through translator): Yes. I have no hostility or grudge against Americans. I am very happy with them and I am still happy with them. I cooperated with them and I am going to cooperate with them.

Designated Military Officer: (4.d) The Detainee stated he was innocent of any wrongdoing and that he was handed over to the United States government to provide intelligence information and not for suspicion of being a terrorist.

Detainee (through translator): Yes. I cooperated with them and gave them a lot of information. After this, I will cooperate and help Americans and the government.

Designated Military Officer: (4.e) The Detainee stated he led many troops before the United States arrived in Afghanistan. The Detainee turned over all his weapons to the United States and a governor, dismissed his troops, and sent them home. After turning in his weapons and dismissing his troops, the governor told the Detainee to go home and to report any attempts to recruit him. The Detainee reported to the government the letter he received requesting he come to Pakistan and fight the new government of Afghanistan.

Detainee (through translator): Yes. I reported to the government.

Designated Military Officer: (4.f) The Detainee stated that, if he were released, he would go home to Urusxa District of Afghanistan and work as a laborer.

Detainee (through translator): Yes, sir. I will do hard work and laboring jobs.

Presiding Officer: Thank you.

Detainee (through translator): I ask for forgiveness. I just have one question if you would answer me.

Presiding Officer: Go ahead.

Detainee (through translator): In the camp, you can ask about my behavior and how I get along with others. Also, back at my home, you can find out about my behavior and my manner. I had always loved working with Americans. I am happy for the reconstruction of my country. I will be very cooperative.

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Presiding Officer: We understand. You will be given an opportunity to give an oral statement before we conclude.

Detainee (through translator): The only words I would like to say is that I would like for Afghanistan to be rebuilt through construction and to have high education. I have no hostility with nobody and I have no connection with nobody.

Presiding Officer: Thank you. We understand.

Detainee (through translator): Thank you very much.

The members did not desire more time to review the Unclassified Summary.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer presented Exhibit EC-C to the Administrative Review Board on behalf of the Detainee.

The Presiding Officer informed the Detainee that the Board had read the information contained in Exhibit EC-C.

The Detainee made the following oral statement:

Detainee (through translator): You are my elders, my leaders. Forgive me if I spoke unpolitely. Please forgive me for that.

Presiding Officer: You did very good. You were polite and cooperative.

Detainee (through translator): God bless you. As for this court, when will I get the results?

Presiding Officer: This is an Administrative Review Board. You will not be punished. We are just here to make a recommendation on whether you should continue to be detained, transferred, or released. We make a recommendation and then it goes up to Washington, D.C. and the decision is made there. I cannot give you a time when that decision will be made.

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Detainee (through translator): When will I find out?

Presiding Officer: If I knew, I would tell you, but I do not know. I would say it is in the near future, but I hate to give an estimate because I am not sure how long the process will take.

Detainee (through translator): It is correct. God be with you.

Presiding Officer: Thank you.

The Assisting Military Officer had no additional information to present and did not have any questions for the Detainee.

The Designated Military Officer did not have any questions for the Detainee.

The Administrative Review Board members had the following questions for the Detainee:

Member: Sir, I sense that you want to go home. If you were transferred to Afghanistan, do you believe your safety would be in jeopardy?

Detainee (through translator): Sir, I do not know. I am a very poor man. I will go through my life and just live there. But, as far as the Americans that are there, I do not think so.

Member: What is your true alliance? Where are your true alliances? Do you support the Karzai administration?

Detainee (through translator): Any government working for peace, collecting weapons, or for construction, I will be a supporter of that government.

Member: Thank you.

Detainee (through translator): I just want to say one thing. Anybody working to destroy the country, I am against them. It does not matter if it is Ahmad, or Mahmood, or Talib, or any other commander, if they are on the side of the destruction of Afghanistan, I am their enemy.

Member: Thank you. Sir, you stated earlier you had been injured. How did this occur?

Detainee (through translator): Yes. When we were collecting weapons from people, there were some hostility and they were firing at us. It was during that firing.

Member: Sir, how did you make a living after the fall of the Taliban?

Detainee (through translator): I have land and gardens. I was doing labor.

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Presiding Officer: What is your education level?

Detainee (through translator): Sixth grade. When I was a very small boy, I studied up to sixth grade.

Presiding Officer: Are you in contact with your family?

Detainee (through translator): Yes. I received letters from my family.

Presiding Officer: And, if you are transferred back home, you will be able to support yourself and your family?

Detainee (through translator): Yes, God willing. We have some land and some gardens.

Presiding Officer: Do you still have the home you built?

Detainee (through translator): Yes, sir, I still have it. We built that house on our own land.

Member: So you are married and have children?

Detainee (through translator): Yes, sir. I have one wife, two daughters, and two sons.

Member: Thank you.

Detainee (through translator): The last one was born five months after I arrived here.

Presiding Officer: Thank you, sir.

Detainee (through translator): God save you. At the end, to respect you, when you leave, I will stand up.

Presiding Officer: Thank you, sir.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



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ICRC letters— withheld from release

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